

Exhibit E

Rec'd in Dispute Unit

APR 14 2014

APR 15 2014



Cabarrus County Department of Social Services

To: Deidre Bostick

From Susan Barbee

Date: 4/3/14

Re: Grievance Response concerning violated HIPPA Laws and Written Warning

I received your grievance dated March 25, 2014. I have reviewed your statement and that of your supervisor Jasmin Gutierrez. Your grievance cited two different issues one being the violation of HIPPA Laws and the second being unjustly written up which created a hostile working environment. Due to the nature of the grievance and concerns contained in the grievance documents, I also discussed this with County HR for guidance.

In reviewing the grievance document you state your supervisor J. Gutierrez violated HIPPA laws by using your personal information during a meeting with your peers as an example. In the meeting held with you 3/26/14 to review the written warning this incident was discussed and Ms. Gutierrez did acknowledge that she used your situation as an example. I do feel it is unfortunate that personal information was shared and I have instructed Ms. Gutierrez that this is inappropriate and have been assured that this situation will not happen again. I consulted County HR to discuss your concerns regarding HIPPA Law violation and found that there was no violation as HIPPA Law speaks to the unlawful disclosure of medical information.

You also state that you received a written warning on 03/05/14. This written warning was for Unacceptable personal Conduct and Unsatisfactory Job which you felt was unjust and created a hostile work environment. The written warning includes complaints from customers dated 2/10/14 and 2/17/14, calling out sick the day after you requested vacation leave that was denied, personal phone calls, and personal business being handled at the front desk.

In examining your personnel records and the two customer complaints there is a pattern of customer complaints which has been addressed with you previously thru monthly conferences and a previous written warning dated August 17, 2012. I do not see in the customer records any reason to doubt their complaint was valid.

On February 19, 2014 J. Gutierrez denied your request for vacation leave February 20, 2014 because you didn't have sufficient leave. On February 20, 2014 you sent a text message to Ms. Gutierrez stating "Calling out sick today". Your supervisor requested a doctor's note at that time which you disagreed with. Per the personnel ordinance the employee's supervisor or department head may require medical documentation concerning the nature of an illness and/or employee's physical capacity to resume duties for each occasion on which an employee uses sick leave to ensure that there is no abuse of sick leave privileges. I find that the request for a doctor's note is appropriate and follows division expectations. I can find no evidence of a hostile work environment and nothing specific noted in your grievance.

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Cabarrus County Department of Social Services

The work you do is important. Your position represents the agency from the moment a client enters the lobby and sets the tone for the visit. Your knowledge and experience are valued and appreciated.

Should you disagree with my findings you may grieve this to the Program Administrator, Patricia Baker.

I will advise your supervisor Ms. Gutierrez of my findings.

Susan Barbee
Program Manager, ESD

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